

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

EMILY DACK, et al.,

Plaintiffs,

v.

**VOLKSWAGEN GROUP OF AMERICA,
INC., et al.,**

Defendants.

Civil Action No. 4:20-cv-00615-BCW

JOINT MOTION FOR EXTENSION OF DEADLINES

Plaintiffs and Defendant Volkswagen Group of America, Inc. hereby jointly request an extension of discovery and class certification deadlines in the Court's February 8, 2021 Scheduling Order for Class Certification pursuant to Federal Rule of Civil Procedure 6(b), Local Rule 16.3, and Paragraph 9 of the Court's Scheduling Order for Class Certification, ECF No. 35 (Feb. 8, 2021).

BACKGROUND

Plaintiffs filed this putative class action on August 4, 2020. VWGoA filed its motion to dismiss on November 16, 2020. That motion was fully briefed on January 18, 2021. The Court granted in part and denied in part VWGoA's motion to dismiss on September 30, 2021.

After a scheduling conference, the Court entered its Scheduling Order for Class Certification, which set forth the following deadlines:

- Deadline to Amend Pleadings or Add Parties: September 13, 2021
- Deadline for Class Discovery: February 28, 2022
- Deadline to File Motion for Class Certification: March 21, 2022

Scheduling Order for Class Certification, ECF No. 35, at ¶¶ 1, 3, 4 (Feb. 8, 2021).

The parties are currently engaged in the joint, nationwide coordination of putative class action lawsuits, pending in three different districts (this Court, the Northern District of California and the

District of New Jersey), involving the same or similar claims, and to some degree, overlapping putative classes, as those asserted in the instant action. The purpose of this coordination is to promote judicial economy, work out pretrial proceedings and schedules that would accommodate the needs and issues of the three actions, and avoid unnecessary duplication and expense to the parties. In order to help facilitate this coordination, the parties now request the Court extend by approximately 10 months the deadlines to complete class discovery and file a motion for class certification. The requested extension would result in a class discovery deadline of December 28, 2022, and a deadline to file a motion for class certification of January 23, 2023. The parties further request the addition of a briefing schedule for the class certification motion as outlined below.

LEGAL STANDARD

Federal Rule of Civil Procedure 6(b)(1)(A) allows that “the court may, for good cause, extend the time . . . if a request is made before the original time or its extension expires.” Further, to extend a deadline fixed in a scheduling order, a movant must “[d]emonstrate a specific need for the requested extension; and [include] a detailed proposed amendment to the previously entered scheduling order.” L.R. 16.3(a).

ARGUMENT

The parties request this extension of time to facilitate their continuing nationwide coordination of related putative class action lawsuits, and expect that this coordination will ultimately preserve judicial resources and expedite the instant litigation. The parties further state they are actively engaged in class discovery and do not seek this extension to unduly delay the resolution of this matter. This is the first extension of the Scheduling Order for Class Certification the parties have sought in this lawsuit.

Accordingly, the parties request the Court grant their joint request to extend these deadlines by 10 months, resulting in the below amendments to Paragraphs 1 and 4 of the Scheduling Order for Class Certification:

1. **MOTION FOR CLASS CERTIFICATION:** Plaintiffs shall file any motion for class certification, and submit any expert reports in support of class certification, on or before **January 23, 2023**.

...

4. **DISCOVERY CLOSURE DEADLINE:** All pretrial fact discovery authorized by the Federal Rules of Civil Procedure and related to Class Discovery shall be completed on or before **December 28, 2022**.

The parties further request the addition of a briefing schedule for the class certification motion, which would include: (1) a deadline to file an opposition to Plaintiffs' motion for class certification and any expert reports in opposition of certification of **March 24, 2023**; and (2) a deadline for Plaintiffs to file a reply in support of their motion for class certification of **May 23, 2023**. Any expert reports and disclosures in support of or in opposition to class certification shall comply with Rule 26, and, unless otherwise agreed upon by the parties, designated experts will be made available for deposition in the order in which they are disclosed, at time/locations to be agreed, within thirty (30) days of the date they are disclosed.

The parties further request that they be permitted to jointly file, on or before June 15, 2023, a proposed schedule (a) for the exchange of merits-based expert discovery pursuant to Rule 26 following the Court's decision on the class certification motion, and (b) for briefing of any summary judgment motion thereafter.

A proposed order amending the Scheduling Order for Class Certification in Word format will be emailed to the Courtroom Deputy concurrent with the filing of this motion.

Dated: January 21, 2022

/s/ Robert T. Adams

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CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2022, the foregoing was filed via CM/ECF system and a copy was served via the same on all attorneys of record.

/s/ Robert T. Adams
Attorney for Defendants